

REMARKS

Reconsideration of the present application in view of the remarks provided below is respectfully requested.

Status of the Claims

Claims 31-37 are pending. Claims 31-37 stand rejected under 35 USC 103(a) as being unpatentable over Carlucci (US2003/0065299), in view of Luizzi (EP1013291), and further in view of Ahmed et al. (US6534572).

Claim Rejections under 35 USC 102 and 35 USC 103

Claims 31-37 are pending. Claims 31-37 stand rejected under 35 USC 103(a) as being unpatentable over Carlucci (US2003/0065299), in view of Luizzi (EP1013291), and further in view of Ahmed et al. (US6534572). The Examiner has essentially repeated the same rejections set forth in the previous Office Action. Thus for purposes of completeness the Applicant has set forth below the arguments presented in the Applicant's March 31, 2008 Response.

"The Examiner's rejections are respectfully traversed.

Claim 31 recites, in part, that the claimed absorbent article includes "a substantially transparent liquid absorbing absorbent system arranged between said cover layer and said barrier layer, *wherein said absorbent system is substantially free of cellulosic material* and comprises a mixture of a hot melt adhesive and a liquid-absorbing polymer". (Emphasis Added) It is respectfully submitted that a close review of the cited references reveal that they fail, either singularly or in combination, to disclose and/or suggest an article including such a structure.

US Patent Application Publication No. 2003/0065299 to Carlucci et al. purports to disclose a transparent absorbing article. In one embodiment the absorbent core of said transparent article includes a water based hydrogel adhesive. This reference fails to

disclose or suggest the use of a mixture of a hotmelt adhesive and a liquid absorbent polymer in the manner of the claimed invention. This reference also fails to disclose the use of such a mixture in an absorbent system that is free of cellulosic material in the manner of the claimed invention according to claim 31.

EP1013291 to Luizzi discloses a hot melt adhesive mixture that is capable of absorbing aqueous liquids, the mixture may include a liquid absorbing polymer. Luizzi also discloses an absorbent article including such hot melt adhesive mixture, the article having a cover layer 10, barrier layer 20 and an absorbent element 30. The hot melt adhesive mixture 40 adheres the cover 10 to the absorbent element 30. It is noted that Luizzi does not specify that the absorbent element 30 is free of cellulosic material in the manner of the claimed invention nor does Luizzi suggest the use of a hotmelt adhesive mixture in a transparent article.

In the Office Action the Examiner suggests that it would be obvious to one of skill in the art to modify the hydrogel material taught by Carlucci to further include the hot-melt adhesive and liquid absorbent polymer as taught by Luizzi. (*See* Office Action, p. 4). The Examiner's position is respectfully traversed. Hot melt adhesive is typically applied at an elevated temperature, accordingly if a hot melt adhesive was applied to the hydrogel adhesive of Carlucci the water in the hydrogel adhesive would evaporate causing serious processing problems. Further, the water in the hydrogel adhesive would be absorbed by the liquid absorbent polymer further resulting serious processing problems and rendering the polymer ineffective at absorbing additional fluid during actual use of the article. Accordingly, it is submitted that it would not be obvious to one of ordinary skill in the art to make the combination proposed by the Examiner to thereby arrive at the claimed invention.

The Examiner cites Ahmed to purportedly support the Examiner's position that the hydrogel adhesive of Carlucci could be combined with the hotmelt adhesive superabsorbent mixture of Luizzi. Specifically the Examiner states:

"... Ahmed teaches an adhesive comprising a thermoplastic layer having a wax that, when cooled surrounds and either encapsulates a superabsorbent polymer, or forms an additional layer adjacent thereto as desired. Ahmed teaches that the adhesive improves the gel rate, making the gel rate faster when compared to using SAP particles alone. Thus, it

would be obvious to one of ordinary skill in the art to combine the hydrogel adhesive of Carlucci with the hot melt adhesive of Luizzi so as to create an absorbent adhesive having a faster gel rate as taught by Ahmed, thus trapping exudate more quickly." (Office Action, p. 4)

As discussed in detail below, it is respectfully submitted that one of skill in the art would not be motivated to combine the hydrogel adhesive of Carlucci with the hotmelt superabsorbent mixture of Luizzi based upon the disclosure of Ahmed as suggested by the Examiner. Ahmed purports to disclose a composition comprising a thermoplastic composition and at least one superabsorbent polymer (SAP). (Col. 5, ll. 8-14) Purportedly, this composition improves the fluid handling properties of the superabsorbent polymer by providing the superabsorbent with a faster gel rate. (Col. 4, ll. 30-36) It is submitted that if one of skill in the art was to employ the composition disclosed in Ahmed, as suggested by the Examiner, it would *further exacerbate* the problems of a combining a hydrogel with a superabsorbent hotmelt mixture. Namely, since the composition of Ahmed allegedly makes the superabsorbent *more absorbent*, it would cause the superabsorbent to absorb the water in the hydrogel even more "effectively", thus further exacerbating the problems of combining a hydrogel with a superabsorbent hotmelt mixture. *Thus, as apposed to solving the problem of combining a hydrogel with a superabsorbent hotmelt mixture, the composition disclosed in Ahmed would in fact further exacerbate these problems.*

In view of the above it is submitted that Ahmed fails to overcome the shortcomings of Carlucci and/or Luizzi and cannot be combined therewith in any manner to render the claimed invention obvious."

In response to the above arguments the Examiner in the present Office Action (i.e. the June 19, 2008 Office Action) states:

"This is not persuasive because hot melt adhesive is not applied to a substrate and then melted. The temperature at which the adhesive melt is reached prior to application to a substrate or article in order to produce a spreadable adhesive to make the application possible or easier. Thus, the adhesive of Luizzi has already reached this temperature prior to coating in an article such as Carlucci, at which point it cools to room temperature. The water in the hydrogel of Carlucci would only evaporate if the entire article were heated to the melt temperature of the adhesive of Luizzi ..." (Office Action, p.3)

It is respectfully submitted that the Examiner's arguments are unpersuasive. Specifically, the Examiner *acknowledges* that in order for the hot melt adhesive and liquid absorbent polymer mixture of Luizzi to be applied to the article of Carlucci then such hot melt mixture must be at an elevated temperature in order for the adhesive to be "spreadable". However, the Examiner then concludes that the hydrogel of Carlucci would only evaporate if the entire article were heated to the melt temperature of the adhesive of Luizzi. It is not clear why the Examiner has reached this conclusion. If the hot melt adhesive of Luizzi must be heated in order to be "spreadable" as acknowledged by the Examiner, and must be applied to the article of Carlucci at such elevated temperature state (which it must otherwise it would cease to be "spreadable"), then it will cause the water in the hydrogel of Carlucci to evaporate. *No other conclusion can be reached.*

Further, as noted in Applicant's previous response, the water in the hydrogel adhesive of Carlucci would be absorbed by the liquid absorbent polymer of Luizzi further resulting serious processing problems and rendering the polymer ineffective at absorbing additional fluid during actual use of the article. The Examiner did not appear to address this problem whatsoever in the present Office Action.

Reconsideration of the application is respectfully requested. The Examiner is invited to call the applicants' undersigned representative if any further action will expedite the prosecution of the application or if the Examiner has any suggestions or questions concerning the application or the present Response. In fact, if the claims of the application are not believed to be in full condition for allowance, for any reason, the applicants respectfully request the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims pursuant to MPEP § 707.07(j) or in making constructive suggestions pursuant to MPEP § 706.03 so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,

/Paul J. Higgins/

By: _____
Paul J. Higgins
Reg. No. 44,152

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-1728
Dated: November 19, 2008